

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

August 1, 2005
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Ron Christianson, Bruce DeBlieck, Denis Anderson, Cindy Swenson, Jim Dokken, and Steven Gardner; Present 7, Absent 2 – Doug Reese and Rick Fagerlie were excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Captain David Wyfells, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

The Planning Commission Minutes were removed from the Consent Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 18, 2005. Council Member DeBlieck seconded the motion, which carried.

The Council discussed the Planning Commission item regarding the Solomon Group site plan review and on-site retention pond. The Planning Commission Minutes of July 27, 2005, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Gardner, and carried.

At 7:07 p.m. Mayor Heitke opened a hearing on an Ordinance Authorizing the Sale of Land Owned by the City of Willmar. Planning and Development Services Director Peterson explained that the sale of 5.3 acres to Philip Kvam in the new industrial park was for business relocation purposes and resulted from the land acquisition purposes for the new municipal airport. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:08 p.m.

Staff indicated that the City was awaiting a signed agreement from Mr. Kvam regarding specific terms and conditions. Staff was recommending no Council action pending receipt of a signed agreement from Mr. Kvam.

Mayor Heitke acknowledged the following individuals who had signed up to address the City Council during its scheduled Open Forum: Candi Ammermann regarding Feeling-Touch Massage; and John TerWisscha and Bob Fortman, TerWisscha Construction, regarding concerns with the signage for an alternative route to maintain businesses on Willmar Avenue.

David Ranallo and Therese LaCanne, representing Great River Energy of Elk River, presented to the Mayor and Council details of a proposed transmission line between the Big Stone, South Dakota power plant and the Willmar area. The new line may be built along a corridor that generally follows U. S. Highway 12, one of two corridors being studied to bring electricity to more than 1 million customers in the upper Midwest. The plant, known as Big Stone II, will be operation in 2011 and built next to the existing 450-megawatte Big Stone I plant. Following discussion of the proposed time frame and benefits to Willmar, the Council received this matter for information only.

The Finance Committee Report for July 25, 2005, was presented to the Mayor and Council by Council Member Dokken. There were 13 items for Council consideration.

Item No. 1 The Committee considered a request to reapportion \$569,819.00 assessed against parcel #95-904-0015 in the Oslo Meadows Development. Since the assessment hearing was held, a 49-lot plat for Oslo Meadows was received and \$569,819.00 can now be reapportioned against the new plat.

The Committee was recommending the Council to introduce a resolution to reapportion \$569,819.00 from parcel #95-904-0015 against the 49 lots of Oslo Meadows. Resolution No. 1 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 1

WHEREAS, a developer's project having special assessments has been filed with the City of Willmar, said project being known as Oslo Meadows, having an interest in the following described property:

SECT-04, TWP-119, RANG-35
THAT PART OF S1/2 OF SE1/4 LYING N'LY OF OUTLOT A,
OSLO HEIGHTS & E'LY OF FLWG DESC LINE: BEG AT NW
COR OF OUTLOT A TH N'LY & PARA WITH W LINE OF S1/2 OF
SE1/4 365' TO N LINE OF S1/2 SE1/4 & THERE TERMINATING,
EXC THAT PART PLATTED AS OSLO HEIGHTS.

Parcel No. 95-904-0015
to wit: Oslo Meadows LLC (developers)

WHEREAS, the above property has now been platted into Oslo Meadows Addition; and

WHEREAS, the City Council of the City of Willmar is in agreement with the suggested reapportionment set out in the request submitted by the developer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, pursuant to the request of the above that the special assessments adopted on June 6, 2005, on the above described property be and hereby are reapportioned as follows: (on file in the City Clerk's Office)

BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2006 and thereafter.

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee considered a request to reapportion special assessments against the Trentwood Estates Second Addition. The assessments of \$299,503 were against parcel #95-912-0940 and were being reapportioned against 30 lots based on front footage.

The Committee was recommending the Council introduce a resolution to reapportion \$299,503 from parcel #95-912-0940 against the 30 lots of Trentwood Estates Second Addition. Resolution No. 2 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 2

WHEREAS, a developer's project having special assessments has been filed with the City of Willmar, said project being known as Trentwood Estates Second Addition development, having an interest in the following described property:

SECT-12, TWP-119, RANG-35
NW1/4 EXC R-O-W & EXC N 1655' & EXC THAT PART OF THE
NW1/4 LYING E'LY OF RR R-O-W. & EXC PART PLATTED INTO
TRENTWOOD ESTATES.

Parcel No. 95-912-0940
to wit: Erickson Land Company of Willmar (developers)

WHEREAS, the above property has now been platted into Trentwood Estates Second Addition; and

WHEREAS, the City Council of the City of Willmar is in agreement with the suggested reapportionment set out in the request submitted by the developer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, pursuant to the request of the above that the special assessments adopted on June 6, 2005, on the above described property be and hereby are reapportioned as follows: (on file in the City Clerk's Office)

BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and payable on tax statements issued in the year 2006 and thereafter.

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee considered a request to reapportion special assessments in the Woodberry Addition. The assessments of the Woodberry Addition and one lot along 25th Street SE were included in the 2005 assessment roll with \$867,610 placed against parcel #95-913-1130 and \$131,233.18 placed against parcel 95-913-1190. Pursuant to filing of the plat, the \$867,610 and \$20,823.68 of parcel #95-913-1190 should be reapportioned against the 52 lots of the Woodberry Addition. Parcel 95-913-1190 should have a remainder of \$110,409.50 placed against

the remaining 913'.

The Committee was recommending the Council introduce a resolution to reapportion the assessments of Woodberry Addition as presented. Resolution No. 3 was introduced by Council Member Dokken, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

WHEREAS, a developer's project having special assessments has been filed with the City of Willmar, said project being known as Woodberry Addition, having an interest in the following described property:

SECT-13, TWP-119, RANG-35
THAT PART OF THE NE1/4 DESC AS FLWS: COMM AT THE NE
COR OF SD SEC 13, TH W 1009.40', TH S 1029' TO THE S LINE OF
TALLAKSON'S NORTH ADDITION, TH E 31.49' TO THE PT OF
BEG OF TRACT HEREIN DESC, TH S 197.64', TH W 213.84',
TH N 197.61', TH W 547.97', TH S 100', TH W 235' TO THE W LINE
OF THE E1/2 OF NW1/4 OF NE1/4 OF SD SEC 13, TH S 173.91' TO
N LINE OF PHEASANT RUN EIGHTH ADD, TH E 155' TO E LINE OF SD
PHEASANT RUN EIGHTH ADD, TH S 1000.03' TO N LINE OF PHEASANT
RUN ELEVENTH ADD, TH E 627.37' TO W'LY R-O-W LINE OF USTH
#71 & STH #23, TH NE'LY 806.94 FT, TH N'LY 567.29' TO S LINE OF SD
TALLAKSON'S NORTH ADDITION, TH W 264.24' TO PT OF BEG.

Parcel No. 95-913-1130;
to wit: Nelson Leasing, Inc. (developers); and a contiguous street area known as 25th
Street SE of which 173.91 frontal feet has an interest in the Woodberry Addition as
assessed against parcel 95-913-1190;
to wit: Nelson International Inc. (developers)

WHEREAS, the above property has now been platted into Woodberry Addition and the
dedicated street platted as 25th Street SE; and

WHEREAS, the City Council of the City of Willmar is in agreement with the suggested
reapportionment set out in the request submitted by the developer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar,
Minnesota, pursuant to the request of the above that the special assessments adopted on June 6,
2005, on the above described property be and hereby are reapportioned as follows: (on file in the
City Clerk's Office)

BE IT FURTHER RESOLVED that the reapportionment be recorded in the records of the
City of Willmar and the Kandiyohi County Auditor effective for taxes and assessments due and
payable on tax statements issued in the year 2006 and thereafter.

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No 4 The Committee considered a request to reapportion property along 25th Street SE pending a recent land sale. Assessments totaling \$110,409.50 remaining against parcel #95-913-1190 should be reapportioned to 295' of frontage along 25th Street SE being sold to the Eagles Club. \$35,674.49 needed to reapportioned to the Eagles and the remaining \$74,735.01 against Nelson Leasing Inc. parcel.

The Committee was recommending the Council introduce a resolution to reapportion the assessments as presented. Resolution No. 4 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

WHEREAS, the City Council of the City of Willmar, Minnesota, duly adopted the assessment roll for the 2005 Street and Other Improvements Project on June 6, 2005; and

WHEREAS, certain adopted assessments against parcel 95-913-1190 may be reapportioned due to sale of property to the Fraternal Order of Eagles Willmar Aerie 2334.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, the above described property be and they hereby are reapportioned as:

property known as parcel 95-913-1250 described as:

SECT-13 TWP-119 RANG-35
THAT PART OF THE NE1/4 DESC AS FLWS: COMM AT THE NE
COR OF SD SEC 13, TH W 1009.40', TH S 1029', TH W 965.32' TO PT
OF BEG OF TRACT HEREIN DESC, TH N 295.16', TH E 368.95',
TH S 295.16', TH E 368.95' TO PT OF BEG

hereby is assessed \$35,674.49 and the balance of the special assessments, \$74,735.01, shall remain with parcel 95-913-1190.

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 Staff informed the Committee that certain parcels in the 2005 assessment roll were due a credit for assessments against lots for Project 8701. The credit was due to previous Assessment Policies where they were to be given a credit for those assessments, and there were seven lots due credits, for a total of \$2,139.86.

The Committee was recommending the Council introduce a resolution to credit the seven lots over assessed in the 2005 assessment roll. Resolution No. 5 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 5

AMENDING ASSESSMENT ROLL

WHEREAS, the City Council of the City of Willmar, Minnesota, duly adopted the assessment roll for the 2005 Street and Other Improvements Project on June 6, 2005, and

WHEREAS, certain adopted assessments have been amended due to additional information.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. Such assessment roll be amended reducing the sum from \$3,460,326.85 to \$3,458,186.99, a copy of which is attached hereto and made a part hereof, is hereby accepted.
2. Such assessment reduction shall be as follows:

	<u>Property Address</u>	<u>Reduced</u>	<u>New Total</u>
Roice Avenue SW			
95-280-1470	1124 3 rd ST SW	\$278.10	\$2,502.89
95-280-1620	1200 3 rd ST SW	\$326.34	\$2,937.02
95-280-2480	1125 3 rd ST SW	\$278.10	\$2,502.89
Grace Avenue SW			
95-280-1070	924 3 rd ST SW	\$254.95	\$2,294.55
95-280-1210	1002 3 rd ST SW	\$278.10	\$2,502.89
95-280-2080	923 3 rd ST SW	\$278.10	\$2,502.89
95-280-2340	1003 3 rd ST SW	\$446.17	\$4,015.45

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 6 The Committee reviewed a request from Kandiyohi County to waive \$57,738.54 in unpaid special assessments and interest against the Willmar Regional Treatment Center property along Civic Center Drive. The assessments were for 1997 Street and Other Improvements and it was noted that the State of Minnesota has not made any payments to date. The request comes because of the recent sale of the property to the County and Midwest Technology from the State of Minnesota.

Staff's recommendation was that the City pursue discussions with the County and State to try and recover the assessments from sale proceeds, but not hold the County or Midwest Technologies responsible for assessments due by the State of Minnesota. This matter was for information only.

Item No 7 In following with current policy of charging no more then 2 percent interest over the bond rate sold to finance street improvements, the Committee reviewed a request to lower the interest rate charged on the 2005 special assessments from 6.05 percent to 5.50 percent.

The Committee was recommending the Council introduce a resolution setting the interest rate on the 2005 street assessments at 5.50 percent. Resolution No. 6 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 6

AMENDING ASSESSMENT ROLL

WHEREAS, the City Council of the City of Willmar, Minnesota, duly adopted the assessment roll for the 2005 Street and Other Improvements Project on June 6, 2005, and

WHEREAS, the sale of General Obligation Improvement Bonds, Series 2005A was conducted on June 20, 2005, whereby the interest rate was lower than projected.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that said assessment roll be amended reducing the stated interest rate to a rate of five and fifty hundredths (5.50%) percent per annum.

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 8 The Committee reviewed values set by the County on two tax forfeited parcels. Staff indicated that if there were any outstanding charges against these parcels, the minimum sale price set by the County would be sufficient to cover any certified liens.

The Committee was recommending the Council approve the values as set by Kandiyohi County. Council Member Dokken moved to approve the recommendation of the Finance Committee with Council Member Gardner seconding the motion, which carried.

Item No. 9 The Committee considered a request to amend the 2005 Wastewater Treatment Plant budget by moving \$2,000 from Collection to Bio-Solids. The request was necessary to pay for delay of planting due to the wet spring.

The Committee was recommending the Council introduce a resolution to re-appropriate \$2,000 from collections to Bio-Solids as presented. Resolution No. 7 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the General Fund Budget as follows:

Increase: Bio-Solids \$2,000.00
Decrease: Collections \$2,000.00
Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 10 Due to Council policy approving all grant request applications prior to submittal, staff was requesting authority to research grant funding for the construction of the new wastewater treatment plant. The Council will still need to approve final grant acceptance and funding when and if the City is successful in any grant submittals.

The Committee was recommending the Council approve the request from staff as submitted. Council Member Dokken moved to approve the recommendation from the Finance Committee with Council Member Gardner seconding the motion, which carried.

Item No. 11 The Committee discussed with Staff the current City Assessment Policy. This matter was referred to future meeting for further discussion with the 2006 budget and was for information only.

Item No. 12 The Committee reviewed the 3rd quarter interest/Dividends and Investment, June 30 Cash and Investment, May Pioneerland and Rice Hospital, and the June Rice Trust Reports. This matter was for information only.

Item No. 13 The Committee was reminded that future agendas will include discussion of the City's Assessment Policy and the 2006 budget. This matter was for information only.

The Finance Committee Report for July 25, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Gardner, and carried.

The Public Works/Safety Committee Report for July 26, 2005, was presented to the Mayor and Council by Council member Christianson. There were eight items for Council consideration.

Item No. 1 The Committee reviewed a request from Diane Schweinfurter of Infinia Health Care for a partial street closure on August 18, 2005, west of their facility along Russell Street to allow for their 5th Annual Block Party with area residents. The Council has approved similar requests in past years. The Committee was recommending the Council approve the temporary street closure request as presented. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 2 Staff requested permission to again apply in collaboration with the Kandiyohi County Sheriff's Office and the Atwater Police Department to the Department of Public Safety for the yearly Safe and Sober Grant. The grant designates extra money to allow for community education and additional officers on the streets and highways to work traffic enforcement during times that normally scheduled officers are busy with calls for service. There is no cash match and the amount being applied for is \$20,560 to be shared by the three agencies.

The Committee was recommending the Council approve the application and allow the City to enter into a grant agreement. Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

AUTHORIZING EXECUTION OF AGREEMENT

BE IT RESOLVED that the Willmar Police Department enter into a grant agreement with the Minnesota Department of Public Safety, Office of Traffic Safety for the project entitled "Safe and Sober Communities" during the period from October 1, 2005, through September 30, 2006.

BE IT FURTHER RESOLVED that Jim Kulset, Chief of Police, is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Willmar Police Department.

BE IT FURTHER RESOLVED that the Kandiyohi County Auditor/Treasurer is hereby authorized to be the fiscal agent and administer the grant on behalf of the Willmar Police Department.

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 Chief Kulset briefed the Committee on the SonShine event noting that numbers aren't in yet, but it's been reported having over 23,000 people attend this year's event. Following discussion of parking and heat-related issues, this matter was received for information only.

Item No. 4 The Committee reviewed a request to extend the Airport grading project expiration date from June 30, 2003 to June 30, 2006, by amending State Project 3401-49, Agreement Number 83850. This is a date extension only.

The Committee was recommending the Council approve the amendment to State Funding Agreement No. 83850 extending the expiration date of the agreement. Resolution No. 9 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 9

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into Amendment No. 1 to the State Funding Agreement Number 83850 for Project S.P. 3401-49 extending the expiration date of the agreement from June 30, 2003 until June 30, 2006.

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday

Attest: CITY CLERK

Item No. 5 The Committee postponed discussion on an Airport change order – apron extension until a later date when more information is available. This matter was for information only.

Item No. 6 The Committee discussed a proposed redesigned fueling system at the new Airport and referred it to the Airport Commission and the consultant, to study and re-evaluate the options. The Airport Commission will meet and discuss the revisions and bring them back to the Council. This matter was for information only.

Item No. 7 The City received a request from Assembly of God Church to extend water and sewer in the public right-of-way so both Hennen's Furniture and the Assembly of God Church can use it. The extension of services to the Assembly of God Youth building will be done at no cost to the City.

The Committee was recommending the Council approve the extension of City services for water and sewer in the public right-of-way for the Assembly of God Church and Hennen's Furniture. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

Item No. 8 The Committee considered a request to waive the City building permit fees for a house being built by Habitat for Humanity in Valley Brook Estates. The City has waived these fees for the past 13 years for single family homes built by Habitat for Humanity

The Committee was recommending the Council approve waiving the City building permit fees for the Habitat for Humanity house being built at 3509 – 4th Avenue NW in Willmar. Council Member Christianson moved to approve the recommendation of the Public Works/Safety Committee with Council Member Anderson seconding the motion, which carried.

The Committee considered a request from Cities Edge Architects to approve the final payment on the baseball stadium construction. Staff reported that terms of the punch list have been satisfied. Following discussion on upcoming improvements and the dedication ceremony opening the stadium on August 27, 2005, the Committee was recommending the Council authorize final payment to Dant Clayton Corporation. Resolution No. 10 was introduced by Council Member Christianson, seconded by Council Member Swenson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO.10

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

IMPROVEMENT:	Taunton Stadium at Baker Diamond
CONTRACTOR:	Dant Clayton Corporation
DATE OF CONTRACT:	4-14-04
APPROVE, CITY ENGINEER:	7-26-05

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said Taunton Stadium at Baker Field be herewith approved and accepted by the City of Willmar.
2. The following summary and final payment be approved:

ORIGINAL CONTRACT AMOUNT:	\$334,912.00
Change Order Nos.	\$40,595.00
FINAL NET CONTRACT AMOUNT, PROPOSED:	\$375,507.00
ACTUAL FINAL CONTRACT AMOUNT AS CONSTRUCTED:	\$375,507.00
Less Previous Payments	\$356,731.65
FINAL PAYMENT DUE CONTRACTOR:	\$18,775.35

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee considered a request for an increase of \$5,000 on the Phase 6C Engineering contract with HNTB for a redesign on the footing for the FBO office area. Following discussion, the Committee was recommending the Council amend the Engineering Contract with HNTB on Phase 6C of the Airport project to cover the redesign of the footing for the mezzanine. Resolution No. 11 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 11

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and HNTB Corporation for professional services for Phase 6C – Construction Administration and Observation. The amendment includes the redesigning of the footing for the mezzanine.

BE IT FURTHER RESOLVED, the original contract amount for Phase 6C of \$125,700.00 is hereby amended by \$5,000.00 for a total not to exceed figure of \$130,700.00.

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee discussed curb styles being used in new developments and felt the

developer should be able to choose which style they want to put in. Public Works Director Odens explained that City policy states the curb style to be used. This matter was for information only.

The Public Works/Safety Committee Report for July 26, 2005, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

Planning and Development Services Director Peterson informed the Mayor and Council that the City has received a request to vacate a portion of Monongalia Avenue SE. It was noted the Planning Commission has approved the vacation. Following discussion, Resolution No. 12 was introduced by Council Member Dokken, seconded by Council Member Gardner, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 12

RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE VACATION OF A PORTION OF PUBLIC STREET

BE IT RESOLVED by the City Council of the City of Willmar conduct a public hearing at 7:01 p.m. on Monday, August 15, 2005, in the Council Chambers at the Municipal Utilities Commission Building, 700 SW Litchfield Avenue, Willmar, Minnesota.

BE IT FURTHER RESOLVED that the purpose of the hearing will be to consider a petition for the vacation of that portion of the dedicated street as described below:

That portion of Monongalia Ave. SW lying southerly of Block 13 of Spicer's Addition to Willmar, Northerly of Block 3 of Erickson's Addition to Willmar and westerly of the west line of Third Street east, all in the North ½ of Section 14, Township 119, Range 35.

BE IT FURTHER RESOLVED that any person having an interest in said matter is invited to appear in person or be represented by counsel to be heard on this matter.

Dated this first day of August, 2005.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Committee Report was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a preliminary plat for the Family Eye and ENT Center, a one-lot plat on Southwest 19th Avenue. It was noted an access easement agreement will be recorded and some utility easements added as requested by Municipal Utilities. Council Member Anderson moved to approve the Family Eye and ENT Center preliminary plat with Council Member Dokken seconding the motion, which carried.

Planning and Development Services Director Peterson presented to the Mayor and Council a preliminary plat for Minn West Technology Campus (WRTC property) consisting 7 lots, 28 units and several outlets. The plat is a Common Interest Community Plat which will have recorded declarations depicting shared drives, parking, etc. A few conditions were placed on the preliminary approval by the Planning Committee, and the land will be transferred from the State after the platting is completed. Council Member Christianson moved to approve the preliminary plat for Minn West Technology Campus with Council Member Anderson seconding the motion, which carried.

Following discussion of the first Council meeting date in September, Council Member Dokken moved to change the meeting from September 5, to September 6, 2005, due to the Labor Day holiday. Council Member Gardner seconded the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 8, Public Works/Safety, August 10, and Community Development, August 11, 2005.

Mayor Heitke announced that there will be an All America City community celebration on August 9, at Robbins Island.

There being no further business to come before the Council, the meeting adjourned at 8:40 p.m. upon motion by Council Member Christianson, seconded by Council Member Dokken, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL